

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CARL LEE RAMEY, Sr.,

Plaintiff,

vs.

Civil Action 2:12-cv-592  
Judge Frost  
Magistrate Judge King

GARY MOHR, et al.,

Defendants.

ORDER

Plaintiff, a state inmate, brings this action under 42 U.S.C. § 1983 claiming a denial of medical care. On July 6, 2012, the United States Magistrate Judge recommended that the action be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1), reasoning that the *Complaint* fails to state a claim upon which relief can be granted. *Report and Recommendation*, Doc. No. 4. The Magistrate Judge specifically concluded that the evidence submitted by plaintiff in support of the *Complaint* "demonstrates that plaintiff has not been denied the medical care to which he is constitutionally entitled. *Id.*, p. 3. This matter is now before the Court on plaintiff's objection to that recommendation. *Objection*, Doc. No. 5. The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b).

Plaintiff's only objection to adoption of the *Report and Recommendation* is that he "has not afforded consent to the Magistrate as required via 28 [U.S.C.] Sect. 636(A)." *Objection*. Plaintiff's objection is without merit.

Federal law authorizes the designation of a magistrate judge to "submit to a judge of the court proposed findings of fact and

recommendations for the disposition, by a judge of the court, . . . of prisoner petitions challenging conditions of confinement." 28 U.S.C. § 636(b)(1)(B). The local rules of this Court specify that "[a]ll Magistrate Judges may perform any of the duties authorized by 28 U.S.C. § 636(a), (b) and (c)." S.D. Ohio Civ. R. 72.1. Moreover, the District Judges of a particular division of the Court are authorized to promulgate "orders establishing procedures governing the formal reference of cases to Magistrate Judges . . . ." S.D. Ohio Civ. R. 72.2. The District Judges of the Eastern Division of this Court have in fact promulgated such orders. Specifically, as those orders relate to this case, the Judges of this Division have expressly referred to assigned Magistrate Judges the authority to consider "prisoner petitions challenging conditions of confinement" even without the consent of the parties. Eastern Division Order 95-2.

Plaintiff's *Objection*, Doc. No. 5, is therefore **DENIED**. The *Report and Recommendation*, Doc. No. 4, is **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1) for failure to state a claim upon which relief can be granted.

The Clerk shall enter **FINAL JUDGMENT**.

/s/ Gregory L. Frost  
Gregory L. Frost  
United States District Judge